



EMERGENCY BEHAVIOR INTERVENTION PROCEDURES

Introduction

The United States Department of Education Office of Special Education and Rehabilitative Services letter dated August 1, 2016 emphasized that in the case of a child whose behavior impedes the child's learning or that of others, the individualized education program (IEP) team must consider and, when necessary, to provide a free appropriate public education (FAPE), include in the IEP the use of positive behavioral interventions and supports, and other strategies, to address that behavior. There is recognition that some school age individuals with exceptional needs have significant behavioral challenges that have an adverse impact on their learning or the learning of others, or both. Both research and experience demonstrate that the education of children with disabilities can be made more effective by providing incentives for positive behavioral interventions and supports (PBIS) to address the learning and behavioral needs of those students.

Students who exhibit serious behavioral challenges should receive timely and appropriate assessments and positive supports and interventions in accordance with the federal Individuals with Disabilities Education Act and its implementing regulations. Assessments and positive behavioral interventions and supports should be developed and implemented in a manner informed by guidance from the United States Department of Education and technical assistance centers sponsored by the Office of Special Education Program. California's 2013 Assembly Bill (AB) 86 changed Education Code §56520 regarding emergency behavioral interventions.

When behavioral interventions, supports, and other strategies are used, they must be used in consideration of the student's physical freedom and social interaction, be administered in a manner that respects human dignity and personal privacy, and that ensure a student's right to placement in the least restrictive educational environment. When the student is also the responsibility of another agency for residential care or related services, the behavioral intervention plans must be developed and used, to the extent possible, in a consistent manner.

It is recommended that PBIS training programs be developed and implemented in institutions of higher education that train teachers and that educationally sponsored in-service programs be made available to ensure that adequately trained staff are available to work effectively with the behavioral intervention needs of individuals with exceptional needs.

Guiding Principles

These guiding principles support revision to Education Code §56521.1.

- Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the student with disabilities, or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior.

- Emergency interventions shall not be used as a substitute for the systematic behavioral intervention plans that are designed to change, replace, modify, or eliminate a targeted behavior.
- No emergency intervention shall be employed for longer than is necessary to contain the behavior. Any situation that requires prolonged use of an emergency intervention shall require staff to seek the assistance of the school site administrator or law enforcement agency, as applicable to the situation.

Prohibitions

Emergency interventions may not include:

1. Locked seclusion unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
2. Employment of a device, or material, or objects that simultaneously immobilizes all four extremities, except that techniques such as “prone containment” may be used as an emergency intervention by staff trained in those procedures.
3. An amount of force that exceeds that which is reasonable and necessary under the circumstances.

In addition, Education Code §56521.2 specifically prohibits the District, a nonpublic school or nonpublic agency (NPS/A) serving individuals with exceptional needs from authorizing, ordering, or consenting to, or paying for the following interventions, or any other interventions similar to or like the following:

1. Any intervention that is designed to, or likely to, cause physical pain, including, but not limited to, electric shock.
2. An intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the face of the individual.
3. An intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities.
4. An intervention that is designed to subject, used to subject, or likely to subject, the individual to verbal abuse, ridicule, or humiliation, or that can be expected to cause excessive emotional trauma.
5. Restrictive interventions that employ a device, material, or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained personnel as a limited emergency intervention.
6. Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
7. An intervention that precludes adequate supervision of the individual.
8. An intervention that deprives the individual of one or more of his or her senses.

In the case of a child whose behavior impedes the child’s learning or that of others, the individualized education program (IEP) team shall consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

Writing a Behavioral Emergency Report

To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent, guardian, and residential care provider, if appropriate, shall be notified within one school day if an emergency intervention is used or serious property damage occurs.

A Behavioral Emergency Report (BER, EV-75) shall immediately be completed and maintained in the file of the individual with exceptional needs. All staff members involved jot down notes about the occurrence as soon as possible. Those involved meet to jointly complete the report form, suing their notes for reference. The Behavioral Emergency Report must include all of the following:

- ✓ The name and age of the individual with exceptional needs;
- ✓ The setting and location of the incident;
- ✓ The name(s) of the staff or other persons involved;
- ✓ A description of the incident and the emergency intervention(s) used;
- ✓ Whether the individual with exceptional needs is currently engaged in a systematic behavioral intervention plan; and
- ✓ Details of any injuries sustained by the individual with exceptional needs, or others, including staff, as a result of the incident. [EC §56521.1(e)]

All Behavioral Emergency Reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator. If the individual with exceptional needs is receiving services from a nonpublic school, nonpublic agency, and/or a residential treatment center, a copy of the report must be sent to the SELPA per the Master Contract. The SELPA Behavioral Emergency Report Form (EV-75) is provided for this purpose. When completed, place the EV-75 in the student's file and provide a copy to the District Special Education Office.

Follow-up IEP Meeting Requirements

Anytime a Behavioral Emergency Report (BER) is written regarding an individual with exceptional needs who **does not have** a positive Behavioral Intervention Plan (BIP), the designated responsible administrator shall:

- ✓ Within 1 Day: Contact parent;
- ✓ Within 2 Days: Schedule an IEP team meeting to review the BER and determine the need for a Functional Behavioral Assessment (FBA) and/or the need for an interim plan.
- ✓ At the IEP Meeting: The IEP team shall document, in the IEP Team Meeting Comments, the reasons for not conducting an FBA and/or not developing an interim plan **OR** initiate a Functional Behavioral Assessment (FBA) to determine the need for a Behavior Intervention Plan (BIP).
- ✓ Ensure that the FBA is completed as soon as possible so that results and recommendations for development or modification of a Behavior Intervention Plan (BIP) are available for review by the IEP team.

Anytime a Behavioral Emergency Report (BER) is written regarding an individual with exceptional needs **who has** a Behavioral Intervention Plan (BIP); an incident involving a previously unseen serious behavior problem; or where a previously designated intervention is

ineffective; the administrator shall refer the incident to the IEP team to review and determine if the incident constitutes a need to modify the BIP.

- Minor modifications to the BIP to improve program effectiveness can be made by the IEP team (including parent(s)) through the IEP Amendment process.
- Significant changes may require the IEP team to request a Functional Behavioral Assessment (FBA) to determine the function of the behavior and appropriate interventions, strategies and supports. Proposed changes to the BIP are to be based on the FBA results.

An IEP team or behavioral intervention planning team capitalizes on the experience and expertise of all its members. The individual's parents, as well as aides, regular education teacher, school psychologist, program specialist, or other interested or credentialed staff, all have an integral part in the planning and intervention process.

East Valley Special Education Local Plan Area
BEHAVIORAL EMERGENCY REPORT

Student Name _____		Report Date _____	
Birth Date _____	Age _____	Grade _____	District _____
School _____		Date of Incident _____	
Time incident began _____		Time incident ended _____	
Setting/location of incident _____			
IEP includes BIP <input type="checkbox"/> Yes <input type="checkbox"/> No		IEP/BIP Date _____	
Behavior addressed in <input type="checkbox"/> IEP <input type="checkbox"/> BIP			

Emergency Interventions Utilized	
Check all that apply:	
<input type="checkbox"/> Prone containment	Length of time _____
<input type="checkbox"/> Other physical containment	Length of time _____
<input type="checkbox"/> Site security involvement	
<input type="checkbox"/> Law enforcement involvement	
<input type="checkbox"/> Other agency involvement/event (Dept. of Behavioral Health, CPS, 5150, AWOL)	
Comments/description of emergency interventions:	

Behavioral Emergency	
Describe what occurred including events that led up to the emergency:	
Name(s) and position(s) of staff/others involved:	
Student	Others (staff and/or other students)
<input type="checkbox"/> No observable injuries <input type="checkbox"/> Injuries sustained	<input type="checkbox"/> No observable injuries <input type="checkbox"/> Injuries sustained
Describe any injuries:	Describe any injuries:
Additional pertinent information:	

Behavior Intervention Plan (BIP) (check one):
<input type="checkbox"/> Student does not have a current BIP. Within two days of the behavioral emergency, the designated responsible administrator shall schedule an IEP meeting to review the emergency report to determine the necessity for a Functional Behavioral Assessment (FBA), and to determine the necessity for an interim plan. The IEP team shall document the reasons for not conducting an FBA, not developing an interim plan, or both.
<input type="checkbox"/> Student has an existing BIP. When an incident involving a previously unseen serious behavior problem occurs, or where a previously designed intervention is ineffective, shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the BIP.

BER Notifications		
<input type="checkbox"/> BER immediately sent to designated administrator	Date: _____	By whom: _____
<input type="checkbox"/> Parent notified with one day	Date: _____	By whom: _____
<input type="checkbox"/> BER sent to administrator of DSEA	Date: _____	By whom: _____
<input type="checkbox"/> BER placed in site student file	Date: _____	By whom: _____
<input type="checkbox"/> BER placed in district student file	Date: _____	By whom: _____

BER Form	Name	Title
Person completing BER form:		
Contributing staff:		